

109TH CONGRESS
2D SESSION

H. R. 5617

To amend the Alaska Native Claims Settlement Act to provide an equitable distribution of land to the 13th Alaska Native Regional Corporation.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2006

Mr. YOUNG of Alaska (for himself and Mr. DICKS) introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Alaska Native Claims Settlement Act to provide an equitable distribution of land to the 13th Alaska Native Regional Corporation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “13th Regional Cor-
5 poration Land Entitlement Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that authorizing a
8 land entitlement for the 13th Regional Corporation would
9 provide an equitable land entitlement for that Corporation.

1 (b) PURPOSE.—The purpose of this Act is to provide
2 an equitable distribution of land for the shareholders of
3 the 13th Regional Corporation.

4 **SEC. 3. LAND ENTITLEMENT.**

5 The Alaska Native Claims Settlement Act (43 U.S.C.
6 1601 et seq.) is amended by adding at the end the fol-
7 lowing new section:

8 **“SEC. 43. THE 13TH REGIONAL CORPORATION LAND ENTI-**
9 **TLEMENT.**

10 “(a) ENTITLEMENT.—Not later than 7 years after
11 the date of the enactment of the 13th Regional Corpora-
12 tion Land Entitlement Act, the 13th Regional Corporation
13 may select, subject to subsections (b) and (c), not more
14 than 1,453,388 acres from public lands which were with-
15 drawn by the Secretary for selection, or were otherwise
16 available for selection, but which were not selected by, or
17 if selected not conveyed to, the State of Alaska, another
18 Regional Corporation, a Village Corporation, or a Group
19 Corporation. Any withdrawal eligible for selection under
20 this subsection which will expire prior to the end of the
21 seven-year selection period for the 13th Regional Corpora-
22 tion shall be extended to the end of the selection period
23 provided by this subsection. Prior to making each selec-
24 tion, the 13th Regional Corporation shall consult with and

1 solicit the comments of the Regional Corporation for the
2 geographical region within which the selection is located.
3 “(b) APPROVAL.—No selection may be made within
4 the geographical region of any Regional Corporation under
5 subsection (a) without the prior written approval of such
6 Regional Corporation. Approval may be withheld or condi-
7 tioned in the reasonable judgment of the Regional Cor-
8 poration, including without limitation because of interest
9 by the Regional Corporation in pursuing a land exchange
10 involving the lands to be selected, the potential for eco-
11 nomic harm to the Regional Corporation, its shareholders
12 or Village Corporations or Group Corporations within the
13 geographical region, environmental considerations, im-
14 pacts on subsistence activities, the presence of Native
15 owned cabins or campsites on or near the lands to be se-
16 lected, the need for access to or across the lands to be
17 selected for transportation, pipelines or economic activi-
18 ties, or the availability of sand and gravel or other min-
19 erals or substances valuable for economic activity within
20 the geographical region. Approval may not be conditioned
21 upon the payment of economic consideration by the 13th
22 Regional Corporation except to the extent of economic
23 harm anticipated in the reasonable judgment of the Re-
24 gional Corporation to the Regional Corporation, its share-

1 holders or Village Corporations or Group Corporations
2 within the geographical region.

3 “(c) CONVEYANCES; LIMITATIONS; RESTRICTIONS.—

4 “(1) CONVEYANCES.—Subject to the limitations
5 in paragraphs (2) and (3), the Secretary shall con-
6 vey to the 13th Regional Corporation the surface
7 and subsurface estate of no more than 1,162,710
8 acres of the lands selected pursuant to subsection
9 (a).

10 “(2) LIMITATIONS ON CONVEYANCES.—

11 “(A) PREVIOUSLY SELECTED LANDS.—The
12 13th Regional Corporation may select, but the
13 Secretary shall not convey, any of the following
14 unless the State of Alaska or any Regional Cor-
15 poration, Village Corporation, or Group Cor-
16 poration which made or has the right to make
17 a selection has relinquished its selection or right
18 to make its selection:

19 “(i) Lands validly selected by, but not
20 yet conveyed to, the State of Alaska pursu-
21 ant to the Alaska Statehood Act or any
22 other provision of law.

23 “(ii) Lands validly selected by, but
24 not yet conveyed to, another Regional Cor-

1 poration, a Village Corporation, or a Group
2 Corporation.

3 “(B) CONDITIONS.—Any selections made
4 by the 13th Regional Corporation that are sub-
5 ject to such valid selections shall be subordinate
6 to those valid selections. Selections are valid if
7 they are on file with the United States and
8 have not been finally adjudicated or all appeal
9 rights from any final adjudication have not
10 lapsed or been exhausted, whether or not such
11 selections are in compliance with all applicable
12 standards, including without limitation time re-
13 strictions. Valid selections also include selec-
14 tions for land in excess of the amount of land
15 to which the selecting entity may be entitled.

16 “(C) OTHER LIMITATIONS.—The 13th Re-
17 gional Corporation may not select, and the Sec-
18 retary shall not convey the following:

19 “(i) Any land without the approval of
20 any Native individual or Native owned or
21 public entity that owns a partial interest in
22 that land, which approval may be withheld
23 with or without reason or cause.

24 “(ii) Any land that the State of Alas-
25 ka, a Regional Corporation, a Village Cor-

1 poration or a Group Corporation could se-
2 lect or acquire through the exercise of stat-
3 utory or contractual rights of selection or
4 acquisition, whether or not those rights
5 have been exercised or are subject to dis-
6 cretionary actions by governmental enti-
7 ties, without the approval of the State of
8 Alaska, Regional Corporation, Village Cor-
9 poration or Group Corporation, which ap-
10 proval may be withheld with or without
11 reason or cause.

12 “(iii) Any land within any area with-
13 drawn for selection pursuant to sections 11
14 or 14 of this Act or otherwise withdrawn
15 by the Secretary for selection if a Village
16 Corporation or Regional Corporation has
17 unexercised selection rights or rights to
18 conveyance in that area without the ap-
19 proval of the Village Corporation and Re-
20 gional Corporation, which approval may be
21 withheld with or without reason or cause.

22 “(3) RESTRICTIONS.—Selected lands which are
23 eligible for conveyance to the 13th Regional Cor-
24 poration shall be conveyed subject to valid existing
25 rights, in the same manner and subject to the same

1 reservations and restrictions that are applicable to
2 lands selected by and conveyed to other Regional
3 Corporations pursuant to this Act. The lands con-
4 veyed to the 13th Regional Corporation shall, when-
5 ever practicable and consistent with safety consider-
6 ations, remain available for subsistence uses. Addi-
7 tionally, until the lands conveyed to the 13th Re-
8 gional Corporation are developed, as defined in sec-
9 tion 907(d) of Public Law 96–487 (43 U.S.C.
10 1636(d)), they shall be managed under policies con-
11 sistent with the land management policies applicable
12 to any adjacent Native Corporation owned lands.

13 “(d) RESERVED LANDS.—The 13th Regional Cor-
14 poration may not select, and the Secretary shall not con-
15 vey, any of the following:

16 “(1) Lands within any conservation system unit
17 as defined in section 102 of the Alaska National In-
18 terest Lands Conservation Act (16 U.S.C. 3101 et
19 seq.).

20 “(2) Acquired lands.

21 “(3) Lands immediately surrounding any build-
22 ing, permanent structure, or other development
23 owned or controlled by the United States, another
24 unit of government, or any person, including without
25 limitation Native owned cabins or campsites on pub-

1 lic lands with or without the permission of the public
2 land owner.

3 “(4) Lands withdrawn or reserved for national
4 defense purposes.

5 “(5) Lands within the National Petroleum Re-
6 serve, Alaska.

7 “(6) Lands within the Tongass and Chugach
8 National Forests.

9 “(e) RIGHT OF FIRST REFUSAL.—The 13th Regional
10 Corporation shall not transfer all or any portion of lands
11 or interests therein that it acquires pursuant to this sec-
12 tion to a third party without first making a written offer
13 to sell that same land or interest therein to the Regional
14 Corporation for the geographical region within which the
15 land or interest therein is located at the amount (or its
16 cash equivalent) offered by the third party who desires to
17 acquire the land or interest therein. The following terms
18 shall govern such transfers and offers:

19 “(1) The offer shall be made to the Regional
20 Corporation not less than 30 days before any pro-
21 posed transfer of such land or interest therein and
22 shall state the price and terms of the proposed sale,
23 and the name and address of both the offerer and
24 offeree.

1 “(2) Not later than 20 days after the receipt of
2 the offer, the Regional Corporation may exercise an
3 option to purchase all, but not less than all, of the
4 land or interest therein that is to be transferred on
5 the terms in the offer or their cash equivalent.

6 “(3) If the Regional Corporation does not pur-
7 chase all of the land or interest therein to be trans-
8 ferred within the required time, then the 13th Re-
9 gional Corporation may transfer all of the land or
10 interest therein offered (but not a lesser or greater
11 amount) to the third party specified in the offer, but
12 not for a price less or on terms different from those
13 originally made by the third party. Any land or in-
14 terest therein not transferred by the 13th Regional
15 Corporation to the specified third party not later
16 than 60 days after making the offer to the Regional
17 Corporation shall again become subject to the re-
18 strictions of this subsection as though it had never
19 been offered.

20 “(4) For purposes of this subsection, ‘transfer’
21 means the sale, transfer, or exchange of land or in-
22 terests therein for consideration, but does not in-
23 clude an exchange for other land or an interest
24 therein within the state of Alaska pursuant to sec-
25 tion 22(f) of this Act or section 1302(h) of the Alas-

1 ka National Interest Lands and Conservation Act,
2 mineral or other leasing on commercially reasonable
3 terms, or the pledge, encumbrance or grant of a se-
4 curity interest on commercially reasonable terms.”.

5 **SEC. 4. REVENUE SHARING.**

6 Section 7(i)(1) of the Alaska Native Claims Settle-
7 ment Act (43 U.S.C. 1606(i)) is amended to read as fol-
8 lows:

9 “(1)(A) Except as provided by subparagraph
10 (B), 70 percent of all revenues received by each of
11 the 12 Regional Corporations organized under sub-
12 section (a) from the timber and subsurface estate
13 patented to it pursuant to this Act, and 15 percent
14 of all revenues received by the 13th Regional Cor-
15 poration organized under subsection (c) from the
16 timber and subsurface estate patented to it pursuant
17 to the 13th Regional Corporation Land Entitlement
18 Act, shall be divided annually by the Regional Cor-
19 poration among the 12 Regional Corporations orga-
20 nized pursuant to subsection (a) according to the
21 number of Natives enrolled in each region pursuant
22 to section 5 of this Act. An additional, 10 percent
23 of such revenues received by the 13th Regional Cor-
24 poration, shall be distributed to the Regional Cor-
25 poration for the geographical region where the re-

1 sources giving rise to such revenues are located. If
2 the resources developed are on lands originally with-
3 drawn for selection by a Village Corporation, then
4 one-half of the 10 percent paid to the local Regional
5 Corporation shall be distributed by that corporation
6 to the Village Corporation. Revenues distributed by
7 or received from the 13th Regional Corporation are
8 not subject to the requirements of subsections (j),
9 (k), (l), (m), and (n) of this section.

10 “(B) The Regional Corporations, including the
11 13th Regional Corporation shall determine the reve-
12 nues required to be distributed pursuant to this sub-
13 section in accordance with the section 7(i) Settle-
14 ment Agreement by and between the 12 Regional
15 Corporations created pursuant to subsection (a), as
16 previously or hereafter amended, and shall be bound
17 by the provisions of that Agreement with respect to
18 the revenues they distribute. The 13th Regional Cor-
19 poration shall be bound by any amendment to the
20 section 7(i) Settlement Agreement unless the amend-
21 ment is not of general applicability to the other Re-
22 gional Corporations. Nothing in this section shall be
23 construed to grant the 13th Regional Corporation
24 any rights with respect to any revenues distributed
25 by the 12 Regional Corporations pursuant to section

1 7(i), or to grant the 13th Regional Corporation the
2 right or power to approve any amendment to the
3 section 7(i) Settlement Agreement.”.

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